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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,369

07/11/2008

Mitsuo Nagura

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08/02/2011

ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT

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SUITE 1600

IRVINE, CA 92614-2558

EXAMINER

VOLZ, ELIZABETH J

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

08/02/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,369	Applicant(s) NAGURA, MITSUO	
	Examiner ELIZABETH VOLZ	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/21/06.9/2/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

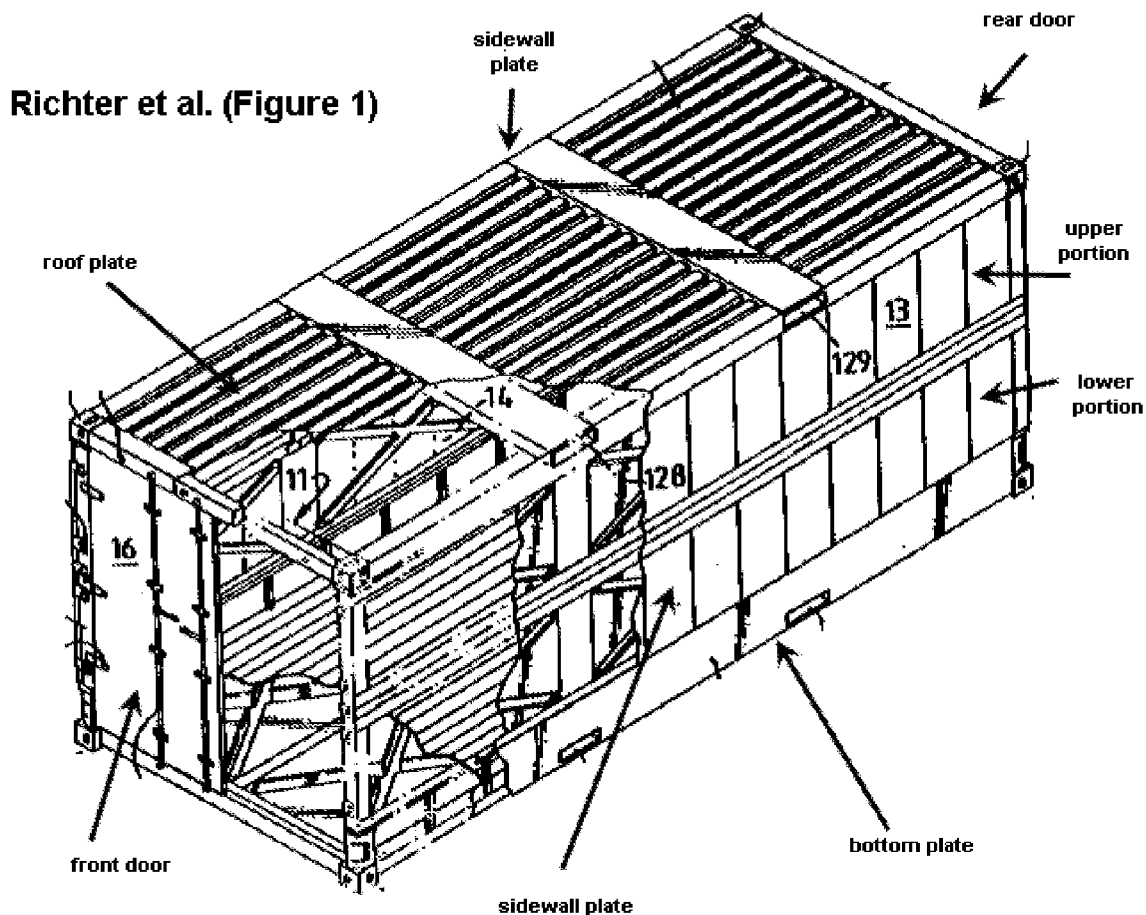
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Richter et al. (U.S. Patent No. 5,190,179).

3. Regarding Claim 9, Richter et al. discloses a container comprising: a container main body having a roof plate (Figure 1 below) and a left/right pair of side wall plates (Figure 1 below); a bottom plate (Figure 1 below); and a front door (Figure 1 below) and a rear door (Figure 1 below) which respectively open and close a front end portion and a rear end portion of said container main body (Figure 1), wherein said container main body and said bottom plate are displaceable relative to each other in a front-rear direction of the bottom plate from a neutral reference position, in which said bottom plate is aligned with said container main body (Figure 1), and wherein said container main body and said bottom plate are displaceable relative to each other between a first exposed position, in which said container main body is positioned rearward of said bottom plate such that a front portion of said bottom plate is exposed from said container main body, and a second exposed position, in which said container main body is positioned forward of said bottom plate such that a rear portion of said bottom plate is exposed from said container main body (Examiner believes that since the bottom plate

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is removable (Figure 3), the main body can be placed in front of the base as well as behind the base to read on the applicant's claim language).



4. Regarding Claim 10, Richter et al. discloses said container main body is displaceable from said neutral position between said first exposed position and said second exposed position (Figure 26).

5. Regarding Claims 11 and 17, Richter et al. discloses each of said pair of side wall plates comprises an upper portion side wall plate (Figure 1 above) and a lower portion side wall plate (Figure 1 above) rotatably connected at a rotating portion (Figure

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26), each of said upper portion side wall plates is rotatable about said roof plate (Figure 26), each of said lower portion side wall plates is rotatable about said bottom plate (Figure 26), said container main body is displaceable between a base state, in which each of said side wall plates is substantially vertical and said roof plate is separated from said bottom plate, and a folded state (Figure 26), in which each of said side wall plates is folded inward at said rotating portion such that said roof plate is moved close to said bottom plate, and said front door and said rear door are displaceable between a base state, in which said front door and said rear door are substantially vertical (Figure 1) and close said front end portion and said rear end portion of said container main body, and a folded state, in which said front door and said rear door overlap said bottom plate or said roof plate (Column 2, Lines 35-36).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richter et al. (U.S. Patent No. 5,190,179) in view of Gonska (U.S. Patent No. 5,639,174).

8. Regarding Claims 12 and 18, Richter et al. discloses a front door and/or said rear door is/are rotatably connected to said front end portion and/or said rear end portion of said bottom plate (Column 2, Lines 35-36), respectively, and said front door and/or said

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rear door is/are displaceable between a base state, in which said front door and/or said rear door is/are substantially vertical and close(s) said front end portion and/or said rear end portion of said container main body (Figure 1), respectively, and an insertion/removal state (Column 2, Lines 35-36). Richter et al. does not disclose a front door and/or said rear door respectively connect(s) said front end portion and/or said rear end portion of said bottom plate with a loading surface that is exterior to said bottom plate, wherein the loading surface is adapted to support cargo to be loaded into the container. However, Gonska teaches a front and rear door which can rotate externally to the base to provide a loading surface (Figure 2). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Richter et al. to include front and rear doors rotatable external the base to provide a loading surface, as taught by Gonska, in order to allow easy entrance and exit to the container.

9. Claims 13-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richter et al. (U.S. Patent No. 5,190,179) in view of Gonska (U.S. Patent No. 5,639,174) and Klahold (U.S. Patent No. 4,993,898).

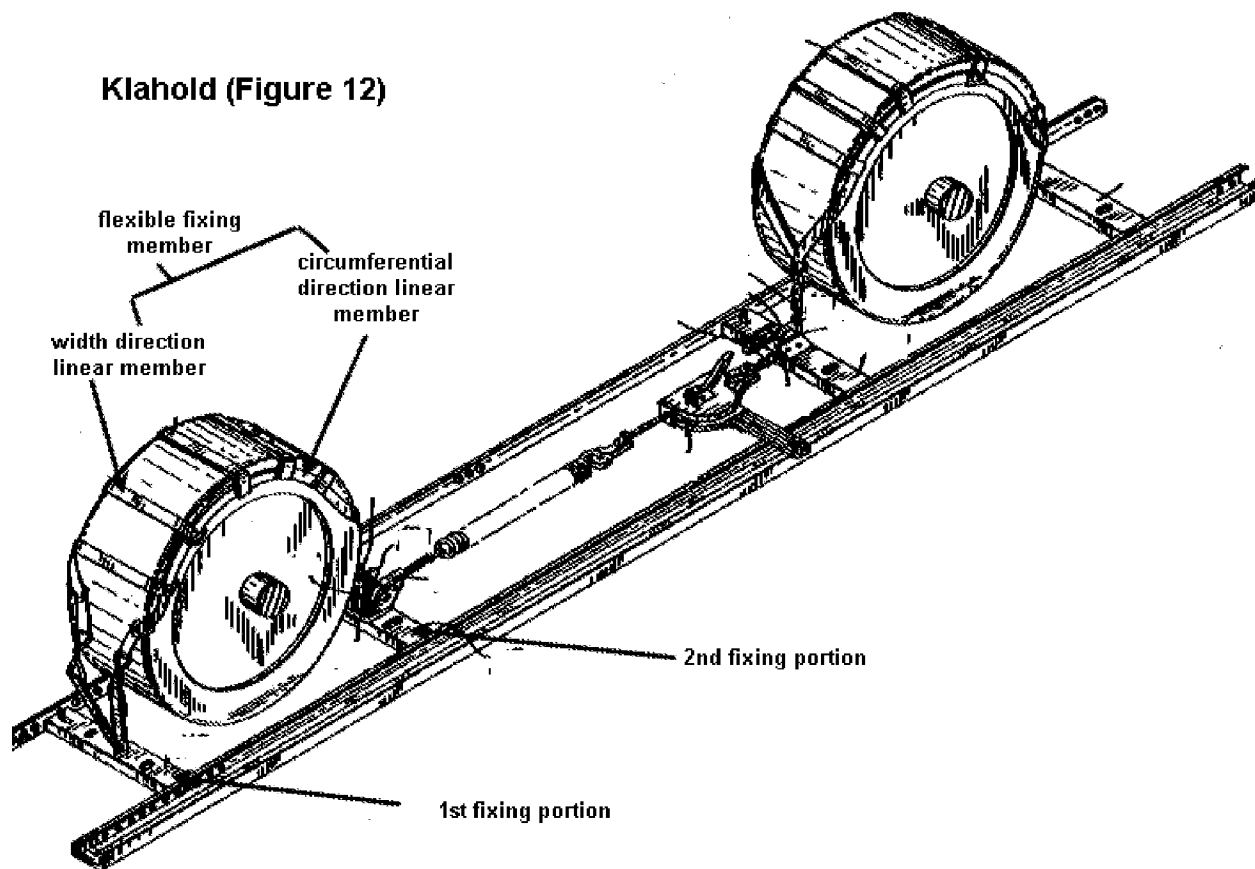
10. Regarding Claims 13-15 and 19-21, Richter et al. and Gonska teach all the limitations substantially as claimed except for a flexible fixing member having a pair of circumferential-direction linear members which are flexible, have a linear shape, and correspond to a circumferential direction of a tire of said automobile, and a width-direction linear member which is flexible, has a linear shape, connects said pair of circumferential-direction linear members, and corresponds to a width direction of said

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tire; and a first fixing portion and a second fixing portion provided in relation to said bottom plate, a part of said circumferential-direction linear member on one side of a part which is disposed along at least an upper end portion of said tire being fixed to said first fixing portion, and a part of said circumferential-direction linear member on the other side of said part which is disposed along at least said upper end portion of said tire being fixed to said second fixing portion; wherein positions of said first fixing portion and said second fixing portion in said front-rear direction of said bottom plate are selectable and a tensioning member to tension the first and second fixing portion to the bottom plate. However, Klahold teaches a flexible fixing member having a pair of circumferential-direction linear members (Figure 12 below) which are flexible, have a linear shape, and correspond to a circumferential direction of a tire of said automobile (Figure 12), and a width-direction linear member (Figure 12 below) which is flexible, has a linear shape, connects said pair of circumferential-direction linear members (Figure 12), and corresponds to a width direction of said tire; and a first fixing portion (Figure 12 below) and a second fixing portion (Figure 12 below) provided in relation to said bottom plate, a part of said circumferential-direction linear member on one side of a part which is disposed along at least an upper end portion of said tire being fixed to said first fixing portion (Figure 12), and a part of said circumferential-direction linear member on the other side of said part which is disposed along at least said upper end portion of said tire being fixed to said second fixing portion; wherein positions of said first fixing portion and said second fixing portion in said front-rear direction of said bottom plate are selectable (Figure 12) and a tensioning member 130/132 (Figure 12) to tension the first

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and second fixing portion to the bottom plate. Therefore, it would have been obvious for one of ordinary skill in the art to modify Richter et al. and Gonska to include a flexible fixing member, fixing members and tensioning members, as taught by Klahold, in order to prevent movement within the container when shipping.



11. Claims 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richter et al. (U.S. Patent No. 5,190,179) in view of Gonska (U.S. Patent No. 5,639,174), Klahold (U.S. Patent No. 4,993,898) and Wokeck (U.S. Patent No. 4,781,271).

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12. Regarding Claims 16 and 22, Richter et al., Gonska and Klahold teach all the limitations substantially as claimed except for a wedge shaped member disposed at a front side or a rear side of a portion of the tire that contacts said bottom plate. However, Wokeck teaches a wedge shaped member 10 (Figure 1). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Richter et al., Gonska and Klahold to include a wedge shaped member, as taught by Wokeck, in order to prevent the tire from rolling.

13. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is

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(571)270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./
Examiner, Art Unit 3781

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781